



## **United States Mission to the OSCE**

### **Statement in Response to the Representative on Freedom of the Media, Mr. Haraszti**

As delivered by Ambassador Julie Finley  
to the Permanent Council, Vienna  
December 15, 2005

Thank you, Mr. Chairman.

Although this is my first opportunity to welcome the Representative of Freedom of the Media to the Permanent Council, I have already had the pleasure of meeting him on many occasions and I have followed his activities closely since assuming my duties here in August. Mr. Haraszti, it is nice to see you here.

The Representative is engaged in many vitally important tasks. We are all familiar with his crusade to have defamation and libel decriminalized in all participating States, to have insult removed from all civil and criminal codes and his efforts to foster the understanding of citizens' and journalists' rights to access to government-held information.

Mr. Haraszti has also actively promoted freedom of speech on the Internet and now has turned his attention to public service broadcasting.

As his report indicates, there has been some progress, but much remains to be done throughout the OSCE region. Many governments resort to the creative use of statistics to allege that the media are freer than they actually are. The number of media outlets means little if only a tiny fraction of their number is genuinely independent and the national system for disseminating their views is inadequate. Independent media does not mean that it is, necessarily, non-partisan or objective. What it means is that it is not under governmental control and that it can openly, freely put forward views, analysis and commentary from across the spectrum, including those that disagree with government policy. Government-controlled media, in all too many cases, is not more objective or non-partisan than the independent media governments so often attack.

A country of special concern for my government is Belarus. Mr. Haraszti has accurately described that country's repressive behavior. It is difficult to imagine as presidential elections approach next year that the government will not further stifle what little independent media remains. We join Mr. Haraszti in worrying as well about Belarus' looming criminalization of the "knowing dissemination of false information." The United States joins the Office of Freedom of the Media in urging Belarus to desist from enacting further restrictions on freedom of the media and information.

As an annual donor to both the Central Asian and the South Caucasus media conferences, we would like to commend Mr. Haraszti and his team for their continued good work in those regions. Unfortunately, we have noted the use of so-called administrative harassment to curb media freedom in Central Asia. Most prevalent are efforts to complicate the registration of

newspapers and the licensing of television. The frequent application of censorship, as has been the case in post-Andijan Uzbekistan, is also a popular government tactic.

We were also dismayed by seizures of independent newspapers in Kazakhstan and the lack of balanced media coverage before the December 4 Presidential election.

The topics chosen by Mr. Haraszi for the South Caucasus Media conference --public service broadcasting and the Internet-- were timely and relevant. We note that there appears to be a great deal of confusion in the region about what constitutes public service broadcasting. The low level of Internet connectivity in the region and many governments blocking certain Internet sites create a worrisome portrait of media freedom. It is disturbing as well that the practice of blocking Internet sites tends to increase during election campaigns.

In both of the media conferences, participants noted a lack of proper journalistic education and its effect on the quality of journalism practiced in the region. We agree and welcome Mr. Haraszi's initiative to train journalists. We urge the governments of Uzbekistan and Turkmenistan to accept his offers of assistance.

Mr. Chairman, we recognize and welcome the fact that Mr. Haraszi's work knows no national boundaries and no artificial geographic divisions. In our reply to his July 2005 report, we extensively reviewed U.S. legal safeguards for freedom of the press and freedom of speech. The First Amendment to the U.S. Constitution has been interpreted by the courts to provide journalists with a limited privilege not to disclose their sources or information to litigants who seek to use that information in court. In the case *Branzburg v. Hayes*, the Supreme Court held that reporters did not have the right to refuse to answer a grand jury's questions directly related to criminal conduct that a journalist might have been aware of. It has been held that the *Judith Miller* case falls precisely into that category.

You are no doubt aware that subsequent developments in the *Judith Miller* case have prompted much debate in our country. It is reported that soon *The New York Times* will be issuing new, stricter guidelines on the anonymity of sources. There is also a congressional proposal for a Federal shield law. We submit that the vast amount of press coverage -- pro and con-- of the *Miller* case is continued proof of the vitality of the media in our country.

Thank you, Mr. Chairman